

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 30 2006

at 3 o'clock and 00 min. PM  
SUE BEITIA, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00200-01 (HG)
	)	
Plaintiff,	)	FINAL ORDER OF FORFEITURE
	)	
vs.	)	
	)	
JACK FRISBEE,	(01) )	
a/k/a "J-Man,"	)	
a/k/a "J-Dog,"	)	
	)	
Defendant.	)	
	)	
	)	
KATHLEEN E. FRISBEE,	)	
	)	
Petitioner.	)	
	)	

FINAL ORDER OF FORFEITURE

On October 27, 2004, this Court entered an Amended Preliminary Order of Forfeiture, ordering Defendant Jack Frisbee to forfeit his interest in the following properties:

- 1) \$124,682.12 in United States currency, which constitutes the net proceeds from the sale of the real

property located at 14851 Charter Oak Boulevard, Salinas, California 93907, titled in the names of Jack R. Frisbee, Jr., and Kathleen E. Frisbee, and designated as assessor parcel number 133-392-020-000, together with all appurtenances and improvements, which real property was derived from proceeds that defendant JACK FRISBEE obtained, directly or indirectly, as a result of the offense charged in Count 1 of the Indictment (hereinafter the "Net Proceeds");

- 2) a grey 2002 Ford Super-Cab pickup truck bearing Vehicle Identification Number 1FTRX07WX2KA02732, and California license plate number 7A28508 (hereinafter the "2002 Ford Super-Cab"); and
- 3) a silver 2001 Chevrolet Suburban Sports Utility Vehicle bearing Vehicle Identification Number 3GNFK16T61G132728, and California license plate number 4NYY969 (hereinafter the "2001 Chevrolet Suburban")

(hereinafter collectively referred to as the "Subject Properties"); and

Notice of the Preliminary Order of Forfeiture was published in the Honolulu Star-Bulletin (a newspaper of general circulation in the District of Hawaii) on November 19, 2004, November 26, 2004, and December 3, 2004, and in The Recorder (a newspaper of general circulation in the Northern District of California) on December 3, 2004, December 10, 2004, and December 17, 2004.

On April 8, 2005, Petitioner Kathleen E. Frisbee filed a timely petition alleging an interest in each of the Subject Properties and seeking an amendment of the Final Order of Forfeiture.

No other timely petitions or claims were received or filed.

Based upon the terms of the Stipulated Settlement Agreement entered herein on September 19, 2005, this Court makes the following determinations:

(1) The United States never seized or took physical possession of the 2002 Ford Super-Cab or the 2001 Chevrolet Suburban, and that Petitioner Kathleen E. Frisbee sold both the 2002 Ford Super-Cab and the 2001 Suburban and retained all proceeds from the sale of those vehicles; and

(2) Petitioner Kathleen E. Frisbee established a colorable interest in and claim to the Net Proceeds.

(3) The "Net Proceeds" by previous agreement, are in the custody and control of the United States Marshal Service for the Northern District of California.

NOW THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

(a) The Amended Preliminary Order of Forfeiture entered herein on October 27, 2005, is amended as follows:

(1) Within sixty (60) days from the date the Court enters a final order of forfeiture relating to the Net Proceeds, or as soon as practicable if an appeal is filed by Defendant Jack Frisbee, the United States Marshals Service shall return to Petitioner Kathleen E. Frisbee \$17,500.00 of the Net Proceeds. In the event that Defendant Jack Frisbee files an appeal, Petitioner Kathleen E. Frisbee understands and agrees that the \$17,500.00 of the Net Proceeds cannot be released or transferred to Petitioner Kathleen E. Frisbee until the decision on appeal becomes final, or unless Defendant Jack Frisbee consents to such release or transfer in a notarized written document.

(2) Petitioner Kathleen E. Frisbee agrees and consents to the forfeiture of the remaining balance of the Net Proceeds (or \$107,182.12) to the United States; and

(3) Petitioner Kathleen E. Frisbee understands and agrees that the United States Marshals Service shall dispose of the remaining balance of the Net Proceeds (or \$107,182.12) in accordance with law.

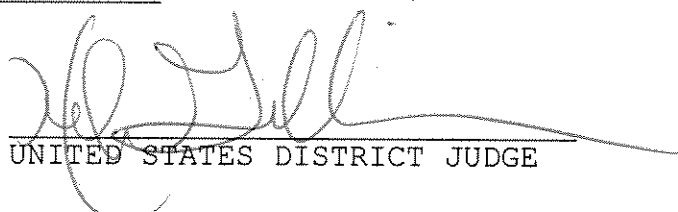
(b) All reference to the forfeiture of the 2002 Ford Super-Cab and the 2001 Chevrolet Suburban shall be deleted.

2. Except as provided in Paragraph 1, the United States has clear title to the Net Proceeds as set forth in the Amended Preliminary Order of Forfeiture dated October 27, 2004.

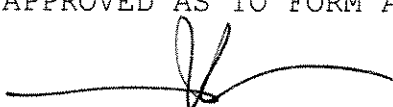
3. Any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposit, and the proceeds from the sale of any forfeited property, after the payment of costs and expenses incurred in connection with the forfeiture, sale and disposition of the forfeited property, after the payment of costs and expenses incurred in connection with the forfeiture, sale and disposition of the forfeited property, shall be deposited forthwith by the United States Marshals Service into the Department of Justice Assets Forfeiture Fund in accordance with law.

4. The Court shall retain jurisdiction to enter any orders necessary to amend or enforce this Order.

DATED: 1.30.06, at Honolulu, Hawaii.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
WILLIAM A. HARRISON, ESQ.  
Attorney for Defendant  
JACK FRISBEE  
and  
Attorney for Petitioner  
KATHLEEN E. FRISBEE

USA v. Jack Frisbee  
Cr. No. 03-00200-01 (HG)  
"Final Order of Forfeiture"